

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of : Fernando Cuervo, et al.
For : MECHANISM TO ALLOW DYNAMIC
: TRUSTED ASSOCIATION
: BETWEEN PIP PARTITIONS AND
: PDPS
Serial No. : 10/639,677
Filed : August 13, 2003
Art Unit : 2442
Examiner : Oleg Survillo
Att. Docket : ALC 3414
Confirmation No. : 6127

REPLY BRIEF

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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This Reply Brief is submitted in response to the Examiner's Answer mailed on June 15, 2010.

I. STATUS OF CLAIMS

Claims 1, 2, 6, 8, 9, 11-13, and 17-20 are on appeal.

Claims 1, 2, 6, 8, 9, 11-13, and 17-20 are pending.

Claims 3-5, 7, 10, and 14-16 are canceled.

No claims are withdrawn.

No claims are allowed.

Claims 1, 2, 6, 8, 9, 11-13, and 17-20 are rejected.

II. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The following grounds of rejection are presented for review:

- A. On pages 5-9, the final Office Action rejected claims 1, 6, and 9 under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,714,515 to Marchand (hereinafter “Marchand”).
- B. On pages 9-14, the final Office Action rejected claims 2, 11-13, and 17-20 under 35 U.S.C. § 103(a) as allegedly unpatentable over Marchand in view of U.S. Patent No. 7,246,165 to Williams et al (hereinafter “Williams”).
- C. On page 15, the final Office Action rejected claim 8 under 35 U.S.C. § 103(a) as allegedly unpatentable over Marchand in view of RFC-3084 to Chan (hereinafter “Chan”).

III. ARGUMENTS

The following remarks are directed to the new points of argument raised in the Examiner's Answer mailed on June 15, 2010.

On page 14, the Examiner's Answer alleges that the added word dynamic “appears to be completely out of context as it provides no interconnection with any other claimed functionality and the specification fails to provide explanation.” In response, Appellant respectfully submits that the term “dynamic” is clearly an adjective that modifies the “policy association” and appears in this manner in the title, as originally filed. In the published version of the specification, paragraph [0011] discloses that a major drawback of the prior art is “static management association between a PDP and a PEP” (emphasis added). Conversely, paragraph [0031] indicates that a “virtual PEP is created dynamically” and paragraph [0032] defines a “dynamic and trusted policy relation between a PEP and a PDP.” Thus, the specification clearly distinguishes the recited dynamic association from static associations in the prior art.

On page 15, the Examiner's Answer alleges that paragraph [0027] of the published version of the specification fails to define the terms “dynamic” and “trusted.” In response, Appellant respectfully submits that lines 1 and 2 of paragraph [0027] initially refer to a “mechanism to allow dynamic entrusted policy relation establishment” (emphasis added). The paragraph subsequently explains that this mechanism “is based on the separation of the management of policies from the

management of policy enabled resources” (emphasis added). In addition, the NRC “acts as the trusted entity that controls the handover of the virtual PEP to a separate PDP” (emphasis added).

The Examiner's Answer next redefines the term “dynamic association” as equivalent to an -- as-needed basis --. In response, Appellant respectfully submits that the Examiner's redefinition is contrary both to the plain meaning of this term and the specific definition provided by the specification. In paragraph [0022], for example, the specification defines the term “dynamic” by describing how the NRC acts as the trusted entity that initiates the PEP / PDP association, a definition that clearly does not resemble an “as-needed basis.” Moreover, the Examiner's supposed “plain meaning” is not based upon any evidence other than the Examiner's evident intent to use Marchand in the rejections.

In the next section, the Examiner's Answer alleges that the edge router PEP [Fig. 1: 11] is the same as the “edge routers” in Fig. 3. In response, Appellant respectfully submits that Fig. 1 provides for a single edge router PEP rather than a plurality of edge routers. Also, Marchand is silent regarding any “PEP” functions of the edge routers in Fig. 3. Furthermore, Fig. 3 is not even directly linked to Fig. 1 because Fig. 1 is “Prior Art” for Marchand and does not reflect the disclosure subsequently depicted in Fig. 3.

For the third issue, the Examiner's Answer alleges that Marchand “inherently” has a bandwidth controller within its bandwidth broker (BB). However, Appellant

respectfully submits that a bandwidth controller would not be equivalent to the recited NRC. In particular, a bandwidth controller would not have separate resource request (PDP <--> NRC) and resource discovery (PEP <--> NRC) lines.

For the fourth issue, the Examiner's Answer alleges that March provides a second NRC because "BB in each domain has its own bandwidth controller." As stated above, bandwidth controllers are not equivalent to the recited NRCs.

For the fifth issue, the Examiner's Answer alleges that Marchand's "BB as a whole functions both as a PDP and NRC." In response, Appellant respectfully submits that the Examiner's interpretation would teach away from the claimed invention, because merger of the PDP and NRC into the same unit would eliminate the separate policy provisioning (PDP <--> PEP) and resource discovery lines (NRC <--> PEP). In addition, the Examiner's interpretation is flawed regarding the allegation that "there is no requirement . . . for the NRC and PDP to be separate physical entities that are not collocated . . . the same device / server can technically perform the functionality of both the NRC and PDP." The Examiner's interpretation of Marchand's BB would perform according to a different principle than the current invention due to its lack of separation between the policy provisioning and resource discovery lines.

For the sixth issue, the Examiner's Answer alleges that "PDP is a logic [sic] entity and therefore inherently requires a controller." In response, Appellant respectfully submits that the claims require actual separation of the RPL/PDP and the NRC. The PDP is not merely a logical entity, as alleged by the Examiner.

For the seventh issue, the Examiner's Answer alleges that the "PDP is a logical entity." In response, as stated above, the Examiner's merger of the PDP with the NRC is improper because it is based on the erroneous assumption that the PDP is not a physical element. Appellant respectfully submits that the specification clearly defines "separation of the interfaces," demonstration that the PDP and NRC cannot be regarded as a single unit. See, for example, paragraph [0021].

For the eighth issue, the Examiner's Answer alleges that no subject matter has been ignored. In response, Appellant respectfully submits that the subject matter regarding separate definitions of the PDP, PEP, and NRC elements has been ignored. Due to the separation of the interfaces, described in the preceding paragraph, these elements must interact by means of a "resource capability information descriptor" (RCI). See paragraph [0021]. The Examiner's view alters the principle of operation by treating these structures as logical entities rather than as separated devices.

For the ninth issue, the Examiner's Answer alleges that the GGSN of Williams is a PEP node. In response, Appellant respectfully submits that Williams does not function in the same manner as the recited PEP because Williams uses SBLP policies. Williams does not provide for separate provisioning and resource discovery in a PEP.

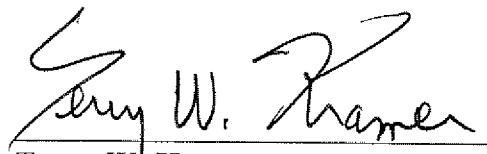
For the tenth issue, the Examiner's Answer alleges that "Williams was relied on to teach only that the first PEP is a virtual PEP." In response, Appellant respectfully submits that Marchand also fails to provide the claimed PEP, so the alleged application of the teachings of Williams to Marchand is improper.

CONCLUSION

Appellant respectfully submits that the remaining points of argument set forth in the Examiner's Answer are repetitive, and thus were fully addressed in Appellant's Appeal Brief. For the reasons set forth herein and in the Appeal Brief, Appellant respectfully requests that this Honorable Board reverse the rejections of claims 1, 2, 6, 8, 9, 11-13, and 17-20.

Respectfully submitted,
KRAMER & AMADO, P.C.

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